IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 4444 of 2007(D)

OS.36/1998 of MUNSIFF COURT, PEERUMEDU

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PETITIONER:

K.M.KUNJOONJAMMA, D/O.MATHAI,
RESIDING AT KANJIRATHUMKAL HOUSE,
MALAYIL PUTHUVAL KARA, VAGAMON VILLAGE,
PEERMADE TALUK.

BY ADV. SRI.T.I.ABDUL SALAM

RESPONDENTS:

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1. P.K.THANKARAJ, S/O.KOCHUMANI NADAR,
RESIDING AT PERIYADATHUVILLA, MALAYIL
PUTHUVAL KARA, VAGAMON VILLAGE, PEERMADE TALUK.

2. BINDU, D/O.KUNJOONJAMMA,
RESIDING AT KANJIRATHUMKAL HOUSE,
MALAYIL PUTHUVAL KARA, VAGAMON VILLAGE,
PEERMADE TALUK.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE PHOTOCOPY OF THE PLAINT DT.6.2.98 IN O.S.NO:36/98 OF THE MUNSIFF COURT, PEERMADE

EXT.P2: -DO- OF THE WRITTEN STATEMENT DT. 9.9.1999IN O.S.36/98 FILED BY THE PETITIONER

EXT.P3: -DO- OF THE COMMISSIONER'S REPORT DT.1.11.2006 IN O.S.36/98 OF MUNSIFF COURT, PEERMADE

EXT.P4: -DO- OF THE I.A.NO:33/2007 IN O.S.NO: 36/98 OF MUNSIFF COURT, PEERMADE DT. 10.1.2007

EXT.P5: -DO- OF THE ORDER DT.11.1.2007 IN I.ANO: 33/2007 IN O.S.NO:36/98 OF THE MUNSIFF COURT, PEERMADE

jj /TRUE COPY/

P.A.TO JUDGE

M.N.KRISHNAN, J.

WP(C)No:4444 OF 2007 D

Dated this the 15th June, 2007.

JUDGMENT

This writ petition is filed seeking to quash Ext.P5 order. It reminds of the principle that the order shall be brief but not blank. The learned Subordinate Judge, in application for remitting the commissioner's plan and report had disposed of the application - 'dismissed'. It is rudimentary that there must be application of mind and it must also appear from the order that application of mind has been done while disposing of the matter. Unfortunately it is absent in this case and therefore, the only course left open to this Court is to direct the learned Munsiff, Peermade to restore the application I.A.33/07 and after affording an opportunity to both sides, dispose of it in accordance with law. Before hearing the matter learned Munsiff shall give notice to the plaintiff as well. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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